

REMARKS

Claims 1-28 and 38-51 are pending in the present application. Claims 1, 5, 8, 13-14, 18-22, 24, and 26-28 stand rejected by the Examiner, Claims 2-4, 6-7, 9-12, 15-17, 23 and 25 are objected to by the Examiner, and Claims 38-51 are allowed. The applicants have canceled Claims 1, 5, 8, 13-14, 18-22, 24, and 26-28. As such, Claims 2-4, 6-7, 9-12, 15-17, 23, 25 and 38-51 are presently pending.

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

In the present Office Action, the Examiner made a number of arguments, objections, and rejections. The Examiner has rejected Claims 1, 5, 8, 13-14, 18-21, 24, and 26-28 under 35 U.S.C. 102(a) as allegedly being anticipated by Vindogradov et al. (Bioconjugate chem. 1996, Vol. 7, pgs. 3-6) (Office Action, pg. 2). The Examiner has further rejected Claims 19, 21-22, 24 and 26 under 35 U.S.C. 102(a) as allegedly being anticipated by Letsinger (JACS 1988, 110, pgs. 4470-4471) (Office Action, pg. 2). The Applicants respectfully disagree with these rejections. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have cancelled Claims 1, 5, 8, 13-14, 18-22, 24, and 26-28. As such, the rejection is moot.

The Examiner has objected to Claims 2-4, 6-7, 9-12, 15-17, 23 and 25 as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form. Claims 2-4, 6-7, 9-12, 15-17, 23 and 25 have been rewritten as independent claims including all of the limitations of the base Claims and any intervening claims, or as dependent on such claims. As such, the Applicants respectfully request that the objection be withdrawn and the claims be allowed.

On May 19, 2003, Applicants filed a Supplemental Information Disclosure Statement containing references cited in the International Search Report dated 2/20/03 of the corresponding

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

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PCT application. The Applicants have attached a copy of the form 1449 and the references cited therein to this communication for the Examiner's convenience.

CONCLUSION

All grounds of rejection and objection of the Office Action of April 30, 2003 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the Claims should be allowed. Should the Examiner have any questions, or if a telephone conference would aid in the prosecution of the present application, Applicant encourages the Examiner to call the undersigned collect at 608-218-6900.

Dated: June 12, 2003


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